

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

\* \* \* \* \*

\*

LISA LAMBERT,

\*

Plaintiff

\*NO. C.A. 96-247 ERIE

vs

\*

SUPERINTENDENT

\*

WILLIAM WOLFE, et al.,

\*

Defendants

\*

\*

\* \* \* \* \*

DEPOSITION OF

VICTORIA KORMANIC

JUNE 3, 1997

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## DEPOSITION

OF

VICTORIA KORMANIC, taken on behalf of the  
 Plaintiff herein, pursuant to the Rules of Civil  
 Procedure, taken before me, the undersigned,  
 Mary Jane Spagel, a Court Reporter and Notary  
 Public in and for the Commonwealth of  
 Pennsylvania, at Cambridge Springs State  
 Corrections Institute, Cambridge Springs, PA, on  
 Tuesday, June 3, 1997, at 10:00 a.m.

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By Attorney Krakoff

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## A P P E A R A N C E S

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NONE OFFERED

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1 Q. And when did you become employed in  
2 that capacity at Cambridge Springs?  
3 A. March 2nd of 1992.  
4 Q. Were there already women housed at  
5 Cambridge Springs or was this just before the  
6 inmates got there?  
7 A. Prior to inmates coming.  
8 Q. It's my recollection, I could be wrong,  
9 but I believe Superintendent Wolfe said that the  
10 inmates began to come here around March of '92?  
11 A. March 30th of '92.  
12 Q. Were you the only --- were you called  
13 Deputy Superintendent in charge of operations at  
14 that time?  
15 A. No. Deputy Superintendent for  
16 Facilities Management.  
17 Q. Were you the only one who held that  
18 position, who has held that position at  
19 Cambridge Springs?  
20 A. That is correct.  
21 Q. Now, before assuming your position at  
22 Cambridge Springs, had you been employed by the  
23 Pennsylvania Department of Corrections?  
24 A. Yes.  
25 Q. Where and in what capacity?

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1 PROCEEDINGS  
2 -----  
3 VICTORIA KORMANIC, HAVING FIRST BEEN DULY SWORN,  
4 TESTIFIED AS FOLLOWS:  
5 -----  
6 EXAMINATION  
7 BY ATTORNEY KRAKOFF:  
8 Q. What is your name?  
9 A. Victoria L. Kormanik, the last name is  
10 spelled K-O-R-M-A-N-I-C.  
11 Q. And you're the Deputy Superintendent --  
12 - one of the Deputy Superintendents, at SCI  
13 Cambridge Springs?  
14 A. That's correct, sir.  
15 Q. And what is your title? I know that  
16 there are Deputy Superintendents in charge of  
17 operations and in charge of various other  
18 things, depending upon what institution you're  
19 in. What are you called?  
20 A. It was the Deputy Superintendent for  
21 Operations. It is now currently the Deputy  
22 Superintendent for Facilities Management.  
23 Q. Is it a different title, but  
24 essentially the same function?  
25 A. Correct.

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1 A. At the State Correctional Institution  
2 at Rockview, located in Bellefonte,  
3 Pennsylvania. I was employed as a lieutenant.  
4 Q. And how long had you been a lieutenant  
5 at Rockview, approximately, in terms of years?  
6 A. Approximately three years. I've been  
7 an employee of the Department of Corrections for  
8 15.  
9 Q. What was your experience before that,  
10 in what capacity before you became a lieutenant?  
11 A. I was a sergeant. Prior to that I was  
12 a corrections officer, prior to that I was a  
13 corrections officer trainee.  
14 Q. So your route to your position was  
15 through security?  
16 A. That's correct.  
17 Q. Would you please outline your  
18 responsibilities as the Deputy Superintendent,  
19 and if they varied in any way, prior to now, let  
20 me know about that. If they were the same, just  
21 provide me with what your basic responsibilities  
22 have been.  
23 ATTORNEY HALLORAN:  
24 Answer the question to the  
25 best of your recollection. We'll refer

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1 you to the documents provided, which  
2 provides the job description for the  
3 Deputy Superintendent.  
4 BY ATTORNEY KRAKOFF:  
5 Q. Right. My purpose for asking that  
6 isn't to see if you left anything out. I'm just  
7 trying to get you to summarize for me what your  
8 basic areas of responsibilities were.  
9 A. I oversee the security aspect of the  
10 institution, as well as, the unit management  
11 which integrates the counselors and the unit  
12 managers.  
13 Q. Was Deputy Superintendent Utz basically  
14 in charge of programming or was that his area,  
15 programming?  
16 A. That's correct.  
17 Q. And within the framework of the  
18 security aspect of the institution, was training  
19 one of the areas of your responsibility,  
20 training of officers? Did that fall within your  
21 jurisdiction?  
22 A. That's correct.  
23 Q. When I ask these questions, I'm not  
24 asking are you the one who was ultimately  
25 responsible or are you the one who was --- the

1 that fall within your jurisdiction in terms of  
2 assigning them to various posts, or, posts,  
3 first of all? Or is that strictly done by  
4 bidding?  
5 A. It is --- I oversee that area, but my  
6 shift commanders assign officers to those posts  
7 and to clarify, we do have both bid posts and  
8 non-bid posts.  
9 Q. So the person who is most immediately  
10 responsible for making post assignments would be  
11 who?  
12 A. Shift commander.  
13 Q. Shift commander. And you can review  
14 those assignments?  
15 A. That's correct.  
16 Q. What I'd like to do at this point is to  
17 focus first on an incident that occurred on  
18 November 22nd, 1994, when Lisa Lambert returned  
19 from an authorized temporary absence to  
20 Cambridge Springs. And I'd like you to describe  
21 in as much detail as possible, what you  
22 recollect about the incident. Now, we've  
23 watched a videotape, I realize that. And to  
24 some extent that videotape speaks for itself.  
25 But I'd like you to provide me with some

1 only one who was responsible. I'm just trying  
2 to see whether these are areas that fell within  
3 your jurisdiction. Did investigations of  
4 alleged wrongdoing by officers fall within your  
5 jurisdiction?  
6 A. They do not. May I clarify?  
7 Q. Sure. You can clarify, any time I ask  
8 a question. I'm not going to cut you off, you  
9 can clarify whatever you want.  
10 A. The Intelligence Captain falls directly  
11 under the Superintendent in our table of  
12 organization. The Superintendent is the one who  
13 has the only authority to authorize an  
14 investigation. It may be, he may authorize  
15 anyone under his chain of command, to conduct an  
16 investigation.  
17 Q. All right. And have there been  
18 occasions where Superintendent Wolfe has asked  
19 you to oversee investigations of officers, with  
20 respect, and I'll be very specific, with respect  
21 to allegations or suspicions that those officers  
22 might have engaged in some sort of sexual  
23 improprieties with inmates?  
24 A. Not that I can recall.  
25 Q. What about assignments of officers, did

1 background in terms of what led up to the  
2 photographing or videotaping of Lisa Lambert?

3 ATTORNEY HALLORAN:

4 I'm going to object to the  
5 form of the question. I believe you  
6 indicated, it sounded like in the  
7 question, that Lisa Lambert was ATA to  
8 Cambridge Springs. She's not, she was  
9 ---. You need to clarify that, clarify  
10 what it was.

11 BY ATTORNEY KRAKOFF:

12 Q. Okay. Well, let's clarify that. Do  
13 you recall that Lisa Lambert returned to  
14 Cambridge Springs on the 22nd of November, after  
15 being away from the prison for Court purposes in  
16 Lancaster County?

17 A. That's correct.

18 Q. And do you recall that on that day Lisa  
19 Lambert was photographed and also was videotaped  
20 by security officers after her return to  
21 Cambridge Springs? A 50

22 A. That's correct.

23 Q. And do you recall what precipitated ---  
24 what circumstances precipitated her being  
25 photographed and videotaped after returning to

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1 Cambridge Springs?

2 A. They were precipitated on our concerns,  
3 based on her allegations of staff abuse a few  
4 days prior to going ATA to Lancaster County.

5 Q. Okay. So if you can elaborate on that.

6 You were concerned, here at the prison, and  
7 those concerns arose from allegations made by  
8 Lisa Lambert about staff abuse aimed at her; is  
9 that correct?

10 A. Correct.

11 Q. And do you recall whom she had alleged  
12 had abused her?

13 A. Sergeant Raun --- Sergeant John Raun.

14 Q. Was Eicher also alleged to have abused  
15 her? Was that part of the abuse, or only Raun?

16 A. I can --- only her allegations of abuse  
17 against John Raun, prior to her going to  
18 Lancaster County, ATA.

19 Q. And what the nature of the abuse that  
20 she said Sergeant Raun had inflicted on her?

21 What had Sergeant Raun allegedly done to her?

22 A. Caused --- caused some bruising,  
23 allegedly in a stairwell.

24 Q. Bruising of her body?

25 A. Correct.

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1 Q. Do you recall more specifically how she  
2 said she came to be bruised and where she  
3 allegedly --- what part of her body, or what  
4 parts of her body were allegedly bruised?

5 A. No, sir, I do not recall that.

6 Q. Do you believe that you were familiar,  
7 as of the 22nd of November, with the specifics  
8 of her allegation, i.e., how Raun abused her and  
9 what parts of her body allegedly were bruised?

10 Do you think you had that information as of the  
11 22nd of November?

12 A. I can't recall.

13 Q. Do you understand what I was asking?

14 A. Yes.

15 Q. I know as you sit here today, you don't  
16 have a recollection more specifically, of where  
17 she was bruised or how Sergeant Raun allegedly  
18 had abused her. And as I take your response to  
19 my follow-up question, you're not sure as you  
20 sit here today, that you had any more specific  
21 information ---

22 A. That's correct.

23 Q. --- as of the 22nd; is that correct?

24 A. That's correct.

25 Q. Now, do you know --- was there an order

1 that was issued from somebody in the prison

2 administration for Lisa Lambert to be

3 photographed and/or videotaped upon her return  
4 to Cambridge Springs?

5 A. Yes, sir, the Superintendent.

6 Q. And do you know whether that order had  
7 been issued in writing?

8 A. It was --- it was oral. I had --- upon  
9 her arrival back, I had phoned the

10 Superintendent and expressed my concern to  
11 establish a baseline coming back from ATA. And  
12 he gave me the direction over the phone, the  
13 authority, the authorization over the phone to  
14 go ahead and videotape and take the photographs.

15 Q. So the decision to photograph and to  
16 videotape Lisa Lambert was expressed by  
17 Superintendent Wolfe on the 22nd, after you had  
18 learned of her return to the prison; is that  
19 correct?

20 A. That's correct.

21 Q. And prior to that, had you been  
22 involved in any discussions with anybody about  
23 the possibility of taking photographs. And I'm  
24 going to use the term, photographs, so that I  
25 don't always have to --- photographs and/or

1 videotaping. I'm meaning both of them when I  
2 pose the question. Had you discussed with

3 anybody on the Cambridge Springs' staff the  
4 issue of photographing Lisa Lambert? Had you  
5 had a discussion prior to your discussion or  
6 your telephone, I don't know if it was a  
7 discussion, when you spoke with Superintendent  
8 Wolfe?

9 A. I don't recall one.

10 Q. As I take it, you learned from somebody  
11 that Lisa Lambert was back at Cambridge Springs;  
12 correct?

13 A. Correct.

14 Q. Then you telephoned Superintendent  
15 Wolfe, and you told him that you thought that a  
16 baseline should be established by taking  
17 photographs of Lisa; is that correct?

18 A. Correct.

19 Q. And by baseline, what did you mean by  
20 that? How would taking photographs establish a  
21 base line?

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22 A. To digress. Whenever she made the  
23 allegations of abuse by Sergeant Raun, she was  
24 taken to medical and examined. And there was no  
25 evidentiary ---?

1 Q. Uh-huh (yes).  
 2 A. --- bruises found.  
 3 Q. There were no bruises found?  
 4 A. No. Two days later, she went ATA, was  
 5 gone a week. When she came back, we wanted to  
 6 establish, again, that in the process of  
 7 bringing her back from the administration  
 8 building to the RHU, that there were no --- that  
 9 we had documentation of no inappropriate  
 10 behavior.  
 11 Q. And as I understand Superintendent  
 12 Wolfe's testimony yesterday, custody would have  
 13 been turned over to Cambridge Springs in the  
 14 administration building; correct?  
 15 A. That's correct.  
 16 Q. And so you wanted a video camera to be  
 17 on Lisa Lambert as she proceeded from the  
 18 administration building into the grounds of  
 19 Cambridge Springs, and then, ultimately, on to  
 20 the restrictive housing unit?  
 21 A. That's correct.  
 22 Q. Now, how had you learned that no  
 23 bruises had been found on Lisa Lambert the first  
 24 time she had --- when she had been examined, I  
 25 believe you said two days before she left for,

1 physically abused by Officer Raun?  
 2 ATTORNEY HALLORAN:  
 3 Are you asking what she knew  
 4 then or what she knows now?  
 5 BY ATTORNEY KRAKOFF:  
 6 Q. I'm talking about back then. Was it  
 7 your understanding that Lisa had accused Officer  
 8 Raun, not only of physically abusing her, but,  
 9 in fact, of bruising her? Do you recall?  
 10 A. I recall her making the allegation that  
 11 he had caused bruises.  
 12 Q. All right. So there were no bruises  
 13 according to the information, the report that  
 14 you received, were found on Lisa Lambert. Did  
 15 you draw any conclusions about her credibility?  
 16 ATTORNEY HALLORAN:  
 17 Objection. Asked and  
 18 answered.  
 19 ATTORNEY KRAKOFF:  
 20 It was?  
 21 ATTORNEY HALLORAN:  
 22 You just asked her.  
 23 ATTORNEY KRAKOFF:  
 24 About her drawing conclusions?  
 25 A. And I said no.

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1 when she Cambridge Springs for Lancaster, that  
 2 was your testimony?  
 3 A. That's correct.  
 4 Q. How had you learned that? Did somebody  
 5 tell you that, did you examine her --- the  
 6 medical records? How did you learn that?  
 7 A. I don't recall. It was a report. I  
 8 don't recall ---  
 9 Q. Who reported it?  
 10 A. --- specifically which report.  
 11 Q. So I take it that when --- and this was  
 12 a written report?  
 13 A. Yes, sir.  
 14 Q. I take it that when you received the  
 15 written report that said there were no bruises  
 16 found on Lisa Lambert in connection with her  
 17 allegations against Officer Raun, you must have  
 18 reached the conclusion that she had fabricated  
 19 those allegations about being abused by Officer  
 20 Raun. Did that tell you that --- did you reach  
 21 any conclusions when ---?  
 22 A. No.  
 23 Q. No? But Lisa had alleged that she had  
 24 been injured --- did she allege she had been  
 25 bruised or just that she had been somehow

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1 BY ATTORNEY KRAKOFF:  
 2 Q. Okay, I'm sorry. I didn't hear the  
 3 answer. Now, then did you relay the  
 4 Superintendent Wolfe's order to have Lisa  
 5 Lambert photographed on the 22nd of November,  
 6 did you relay that information to somebody on  
 7 the staff? Do you recall?  
 8 A. That would probably a correct  
 9 conclusion because they were videotaping when I  
 10 came down, yes. Who it was, I don't recall.  
 11 Q. That's all right. When you arrived, at  
 12 some point in the course of the incident, and  
 13 I'm using the incident not as a charge word, I'm  
 14 just saying it was a transaction, okay? When  
 15 you arrived in the course of the incident, where  
 16 did you arrive and what did you see when you  
 17 first arrived? You said that they were already  
 18 videotaping Lisa when you arrived; is that  
 19 correct?  
 20 A. Correct.  
 21 Q. Where did you arrive, where was it that  
 22 ---?  
 23 A. In the --- in the strip room, shower  
 24 area, next to property, located in Alliance  
 25 Hall.

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1 Q. And there was an officer who had a  
2 video camera trained on Lisa when you arrived,  
3 or aimed toward Lisa when you arrived?

4 A. I'm relying on the tape for that --- to  
5 recall it. I don't know.

6 Q. But it's your recollection that when  
7 you arrived ---?

8 A. Yes.

9 ATTORNEY HALLORAN:

10 You can answer it, you can  
11 answer the question, based upon your  
12 recollection ---

13 ATTORNEY KRAKOFF:

14 It was refreshed.

15 ATTORNEY HALLORAN:

16 --- then, and also that it's  
17 refreshed from the video. So if you  
18 recall from seeing the video, you can  
19 answer the question.

20 A. Okay.

21 BY ATTORNEY KRAKOFF:

22 Q. Were you called down to that room? Did  
23 somebody call you to come over?

24 A. That's correct. Lieutenant Beck came  
25 up to my office and advised me that Lisa was

Page 23

1 refusing to be shower --- to be medically  
2 examined, with her bra and panties on.

3 Q. Were you told that she refused to be  
4 medically examined, or were you told that she  
5 had refused to be photographed with her bra and  
6 panties on?

7 A. She was refusing to be videotaped  
8 during the medical examination.

9 Q. And so you then went to the scene and  
10 what transpired after you arrived? What  
11 occurred?

12 A. I think this videotape speaks for  
13 itself. I spoke to Ms. Lambert, advised her  
14 that it was standard procedure, that she would  
15 not be videotaped naked. It would be done with  
16 her bra and panties on and I would retain  
17 possession of the videotape and photographs.

18 Q. Now, you told her that it was standard  
19 procedure, what did you mean by that?

20 A. At that time, it was standard procedure  
21 for the Department of Corrections that any time  
22 we had an inmate that we thought was going to be  
23 a behavioral problem, or --- and when I say  
24 behavioral problem, I'm speaking of cases like  
25 Lisa where they alleged assault in the past.

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1 Q. Uh-huh (yes).

2 A. Then we would videotape them. Most  
3 commonly it was whenever they received a  
4 misconduct and were being sent to the restricted  
5 housing unit.

6 Q. They would be videotaped with articles  
7 of their clothing removed, or that they would be  
8 videotaped while they were being moved to the  
9 restricted housing unit while dressed?

10 A. While they were being moved to the RHU.  
11 Normally the procedure is, if you're coming from  
12 --- they're either coming from the hearing  
13 examiner's or the housing unit, and being moved  
14 to the RHU.

15 Q. And they would be --- the standard  
16 procedure that you spoke about was photographing  
17 the movement of the inmate from the hearing to  
18 the restricted housing unit, while the inmate  
19 was fully clothed; isn't that correct?

20 A. Repeat your question, Mr. Krakoff.

21 Q. The procedure that you referred to, was  
22 that not a procedure involving the videotaping  
23 of the inmate from the hearing to the restricted  
24 housing unit, while the inmate was fully  
25 clothed?

Page 25

1 A. That's correct.

2 Q. Go ahead.

3 A. The institution had the discretionary  
4 power of when to use the videotaping. If was  
5 based upon the inmate's past behavior, or if we  
6 believed they were going to present a problem  
7 for us during the reception process in RHU. The  
8 issue of clothing depended on the circumstances.  
9 If we had an inmate who was being a behavior  
10 problem while being --- we thought would be a  
11 behavior problem while being strip searched,  
12 which is the practice prior to being admitted to  
13 the RHU, then we would videotape it. If they  
14 were placed in a cell, or removed from a cell,  
15 because they posed a threat to themselves, they  
16 may be clothed or unclothed. And we had the  
17 discretionary authority to videotape any time we  
18 thought that the inmate was going to be a  
19 behavioral problem.

20 Q. And was that videotaping the inmate  
21 while the inmate was in panties and a bra, if  
22 the inmate was a woman, it included ---

23 A. It depended on the circumstances. They  
24 could be completely naked.

25 Q. Uh-huh (yes). Had you ever, from the

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1 time that Cambridge Springs opened until  
2 November 22nd, had you ever been involved or  
3 been made aware of an incident where an inmate  
4 was videotaped in a bra and underpants?

5 A. I do not recall.

6 Q. As you sit here today, you cannot  
7 recall, you cannot tell me about another  
8 incident; is that correct? That's a fair  
9 question.

10 ATTORNEY HALLORAN:

11 Another incident of an inmate  
12 being videotaped in a bra and  
13 underpants?

14 ATTORNEY KRAKOFF:

15 Right.

16 A. I do not recall.

17 BY ATTORNEY KRAKOFF:

18 Q. So in answer to my question, you can't  
19 provide me with another instance where this has  
20 occurred?

21 A. I cannot recall.

22 Q. Now, do you have any recollection of an  
23 inmate ever being videotaped while completely  
24 naked, at Cambridge Springs?

25 A. I can't recall.

1 A. I believe it's a policy statement from  
2 the Department of Corrections. And I also  
3 believe it's the inherent authority of the  
4 Superintendent, and his ability to run the  
5 institution.

6 Q. But in terms of the document, you think  
7 that there is a document and that would be the  
8 reception policy?

9 A. That's correct.

10 ATTORNEY KRAKOFF:

11 I'd like to have a copy of

12 that.

13 BY ATTORNEY KRAKOFF:

14 Q. And does the reception policy authorize  
15 the Superintendent to have an inmate  
16 photographed while naked, either breasts exposed  
17 or the genital area exposed or the buttocks  
18 exposed?

19 A. I believe it's covered in the reception  
20 policy.

21 Q. And you also believe that it's within  
22 the discretion of the Superintendent, the  
23 inherent authority of the Superintendent, to  
24 order that?

25 A. Yes. May I make one more

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1 Q. Is there a document that you can point  
2 to which gives the Superintendent the discretion  
3 to have an inmate photographed while in bra and  
4 panties?

5 ATTORNEY HALLORAN:

6 I'm going to object to the  
7 form of the question. It's -- I  
8 gather by your question, that would  
9 mean anywhere from naked, all the way  
10 up?

11 ATTORNEY KRAKOFF:

12 I wanted to specifically focus  
13 on that and then I was going to ask the  
14 second question, in terms of naked.

15 BY ATTORNEY KRAKOFF:

16 Q. Are you aware of any document that  
17 gives the Superintendent the authority or the  
18 discretion to have an inmate photographed while  
19 in bra and panties? I'm talking about the time  
20 period as of the 22nd of November.

21 A. I believe it's covered in our reception  
22 policy.

23 Q. Is that the local policy or that a  
24 policy statement from the Department of  
25 Corrections?

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1 clarification?

2 Q. You can always make ---.

3 A. As far as the videotaping, in my  
4 Interrogatory, I stated that Officer Brenda  
5 Jones was doing the photographing, the polaroid  
6 photographing, and it was not. It was Officer  
7 Michelle Howard.

8 Q. I was going to ask you that. You had  
9 reminded me of that earlier when we were  
10 watching the video this morning, so I appreciate  
11 that. When you arrived, how was Lisa Lambert  
12 attired?

13 A. She had on her state-issued browns.  
14 They're given to the inmates in the institution.

15 Q. Is that how she arrived at the  
16 institution? Is that how inmates arrive from  
17 the outside into the institution? They don't  
18 travel in their civilian clothing, do they?

19 A. I don't recall.

20 Q. In any event, was she fully clothed  
21 when ---?

22 A. Yes.

23 Q. And I did observe and listen to the  
24 video, but there were some things that I  
25 couldn't --- I couldn't hear everything. And

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1 I'd like you to help me with your recollection,  
 2 and I'm not asking you for a verbatim, but your  
 3 recollection of the thrust or the sum and  
 4 substance of what you told Lisa and then what  
 5 her response, if any, was to that? Do you  
 6 recall generally what you told Lisa after you  
 7 arrived? You did talk with her, didn't you?  
 8 A. That's correct.  
 9 Q. And essentially, what did you tell  
 10 Lisa?  
 11 A. I believe I testified earlier that she  
 12 was refusing to be videotaped during the medical  
 13 examination in her bra and panties. I told her  
 14 that it was necessary for her to comply, that it  
 15 was standard procedure and that I would retain  
 16 the videotape and photographs in my possession.  
 17 Q. When you arrived, was Lisa crying?  
 18 A. Not that I can recall.  
 19 Q. Did Lisa resist, at first?  
 20 A. Yes.  
 21 Q. And then at some point, and if I may, I  
 22 realize, I'll just paraphrase it, I think I  
 23 heard you say something to the effect, you've  
 24 got, you know, I'm going to give you 30 seconds,  
 25 we don't have all day, or something along those

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1 lines. You have 30 seconds to make a decision,  
 2 and if you don't comply, the officers will strip  
 3 search you. Do you recall that?  
 4 A. That's correct.  
 5 ATTORNEY HALLORAN:  
 6 Objection. I don't think  
 7 that's what the tape said.  
 8 ATTORNEY KRAKOFF:  
 9 Okay.  
 10 ATTORNEY HALLORAN:  
 11 I think they said that if she  
 12 didn't comply, she would carry out the  
 13 order, which was the videotaping, not  
 14 the strip search.  
 15 BY ATTORNEY KRAKOFF:  
 16 Q. Didn't you at some point tell her that  
 17 the officers would strip search her if she  
 18 didn't agree?  
 19 A. (No response).  
 20 Q. Okay. Did you say something to her  
 21 about she would be strip searched?  
 22 A. Yes.  
 23 Q. What did you tell her about being strip  
 24 searched, if you recall?  
 25 ATTORNEY HALLORAN:

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1 I'm going to object to that,  
 2 whatever she says on the tape.  
 3 BY ATTORNEY KRAKOFF:  
 4 Q. Let me ask it this way. Wasn't she  
 5 going to be strip searched in any event?  
 6 A. Yes.  
 7 Q. If she didn't comply, would she have  
 8 been photographed while being strip searched?  
 9 A. No.  
 10 Q. Well, then, her being strip searched  
 11 had nothing to do with having 30 seconds to make  
 12 a decision, is that your testimony?  
 13 A. That's correct.  
 14 Q. If she hadn't complied, what would have  
 15 occurred?  
 16 A. I think that calls for ---  
 17 Q. What are you objecting?  
 18 A. Yeah.  
 19 ATTORNEY HALLORAN:  
 20 I'm going to object. Calls  
 21 for speculation ---.  
 22 BY ATTORNEY KRAKOFF:  
 23 Q. You gave her 30 seconds to comply, you  
 24 did, didn't you?  
 25 A. Correct.

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1 Q. And did you not know at that point or  
 2 have an understanding of what you were going to  
 3 do if she didn't comply?  
 4 A. Had she not complied, we probably would  
 5 have stopped and then gone to the Superintendent  
 6 for more direction.  
 7 Q. All right. So you were giving her 30  
 8 seconds to make a decision and then it was your  
 9 intention to go to the Superintendent?  
 10 A. And make him aware of the  
 11 circumstances.  
 12 Q. But you weren't going to carry it out?  
 13 You weren't going to continue dealing with Lisa  
 14 yourself, if she didn't comply. You were going  
 15 to then have the Superintendent make the  
 16 decision about how to proceed --- I mean the  
 17 Superintendent make a decision about how to  
 18 proceed; is that correct?  
 19 A. That's correct.  
 20 Q. Did Lisa finally tell you that she  
 21 would comply? She did comply, didn't she?  
 22 A. Yes.  
 23 Q. And then there were still photographs  
 24 that were taken of Lisa?  
 25 A. Correct.

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1 Q. And how many photographs were taken?  
 2 A. Five.  
 3 Q. Okay. You were there throughout the  
 4 photographing of Lisa?  
 5 A. That's correct.  
 6 Q. Were you -- ultimately Lisa, after the  
 7 videotaping and then after the photographing,  
 8 ultimately, Lisa then went into the shower area  
 9 and was strip searched and then was dressed; is  
 10 that correct?  
 11 A. That's correct.  
 12 Q. And were you there when Lisa emerged  
 13 from the shower area with her clothing?  
 14 A. That's correct.  
 15 Q. And you never left, at all?  
 16 A. No, sir, I did not.  
 17 Q. And the photographs were the polaroid  
 18 sort; is that correct?  
 19 A. That's correct.  
 20 Q. And that means that they would have  
 21 developed by themselves, without taking them to  
 22 somebody to have them developed; correct?  
 23 A. That's correct.  
 24 Q. And I take it that the photographs that  
 25 were taken of Lisa did develop by the time Lisa

1 Q. And what did you do with the  
 2 photographs once you had them in hand?  
 3 A. I secured them in my one file cabinet,  
 4 in my office.  
 5 Q. Did you carry the photographs back with  
 6 you, though --  
 7 A. Yes, sir.  
 8 Q. -- from the medical area?  
 9 A. They never left my possession. They  
 10 have never left my possession.  
 11 Q. And at some point, did you put them in  
 12 an envelope?  
 13 A. Yes.  
 14 Q. When did you do that? Was it the same  
 15 day?  
 16 A. I don't recall.  
 17 Q. You do recall taking the photographs  
 18 back and putting them in a file?  
 19 A. Yes.  
 20 Q. But you're not sure whether they were  
 21 first placed in an envelope and then put in the  
 22 file. As you sit here today, you're not sure?  
 23 A. No, I don't recall.  
 24 Q. Now, at some point, though, you did put  
 25 them in an envelope?

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1 was dressed again, and ready to move from there,  
 2 the photographs had been developed?  
 3 A. I don't recall.  
 4 Q. What happened to the photographs after  
 5 the pictures were taken, immediately after the  
 6 pictures were taken?  
 7 A. They were given to me.  
 8 Q. Did you not look at them to see whether  
 9 they had developed?  
 10 A. I don't recall. In however long a  
 11 polaroid takes to develop, a couple -- what, a  
 12 minute, two minutes? So before I left they had  
 13 been developed.  
 14 Q. Yeah, that's what I was asking.  
 15 A. Yes.  
 16 Q. Did you look to see whether there were  
 17 photographs that had come out or that had  
 18 developed?  
 19 A. Yes.  
 20 Q. As you sit here today, can you  
 21 specifically recall that there were only five  
 22 photographs?  
 23 A. Yes, sir.  
 24 Q. You're absolutely sure?  
 25 A. Absolutely sure.

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1 A. Yes.  
 2 Q. And was that envelope sealed?  
 3 A. Yes.  
 4 Q. And did that envelope remain in the  
 5 file that you referred to?  
 6 A. Yes.  
 7 Q. Is that a file that was called the  
 8 Lambert file?  
 9 A. Yes.  
 10 Q. And what about the videotape, what  
 11 happened to that, did you take that back  
 12 immediately, also?  
 13 A. Correct.  
 14 Q. And was that placed in the file or  
 15 somewhere else?  
 16 A. Also in the file.  
 17 Q. And this particular file, you were the  
 18 only person who had the key to the cabinet in  
 19 which it was contained? That's a question, now,  
 20 it wasn't a statement. Were you the only person  
 21 who had the key to the -- was it in a cabinet  
 22 that you kept the file?  
 23 A. It's a file cabinet, a regular file  
 24 cabinet.  
 25 Q. And that cabinet was kept locked?

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1 A. Yes.  
 2 Q. And did the cabinet contain other files  
 3 other than Lisa Lambert's?  
 4 A. Yes.  
 5 Q. Did other persons have --- did anybody  
 6 else in the institution have access to the  
 7 interior of the filing cabinet?  
 8 A. My secretary.  
 9 Q. Other than your secretary?  
 10 A. No.  
 11 Q. And who else had --- was there only one  
 12 key to it?  
 13 A. I had a key and my secretary had a key.  
 14 Q. Now, to the best of your recollection,  
 15 did the photographs or the videotape, at any  
 16 point, ever leave that filing cabinet prior to  
 17 today?  
 18 A. Never.  
 19 Q. You didn't get the answer, so why don't  
 20 you just answer.  
 21 A. They were removed last night.  
 22 Q. And that was the first time?  
 23 A. Yes, sir.  
 24 Q. And when you removed them, was the  
 25 envelope still sealed?

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1 A. No, it had been opened and that was  
 2 because I had to answer my Interrogatory and I  
 3 had to go back and refresh my memory.  
 4 Q. And you counted the number of  
 5 photographs back then?  
 6 A. Yes. There's a notation on the  
 7 envelope that says that.  
 8 Q. Opened May 27, 1997, at 16:30 hours for  
 9 deposition response, and then your signature,  
 10 correct?  
 11 A. Correct.  
 12 Q. Okay. Thank you.  
 13 A. I guess it's interrogatory, not  
 14 deposition.  
 15 Q. Okay, the written questions?  
 16 A. Correct.  
 17 Q. And there was a nurse present at the  
 18 time that the photographs and videotapes were  
 19 taken?  
 20 A. That's correct.  
 21 Q. And the nurse's name was Sandy  
 22 P-I-E-T-Z-A-K.  
 23 A. That's correct, Sandy Pietrak.  
 24 Q. Pietrak. Is that an R-A-K, then  
 25 P-I-E-R-A-K, maybe?

1 A. I'm not sure, sir.  
 2 Q. And Sergeant Chase was on the video; is  
 3 that correct?  
 4 A. That's correct.  
 5 Q. And Sergeant Chase, like the nurse, was  
 6 a woman, correct?  
 7 A. Correct.  
 8 Q. And then Brenda Jones was the name of  
 9 the officer who was there throughout the time,  
 10 as well; is that correct?  
 11 A. That's correct.  
 12 Q. And then there was a lieutenant by the  
 13 name of Beck, who was there for part of the  
 14 time, as part of the escort, but wasn't present  
 15 when any of the photographing was occurring?  
 16 A. That's correct.  
 17 Q. Now, were any incident reports or  
 18 extraordinary occurrence reports, as far as you  
 19 know, prepared by anybody in connection with the  
 20 photographing of Lisa Lambert on the 22nd of  
 21 November?  
 22 A. I don't recall, sir.  
 23 Q. You have no recollection, as you sit  
 24 here today, though, do you of seeing an incident  
 25 report or an extraordinary occurrence report

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1 about that incident?  
 2 A. I don't recall, no.  
 3 Q. I'm having difficulty with the I don't  
 4 recall, because I think that that was a fair  
 5 question. As you sit here today, are you aware  
 6 of any incident report or extraordinary  
 7 occurrence report, memorializing that incident  
 8 of November 22nd, 1995?  
 9 A. I wasn't being flippant with you. As I  
 10 sit here today, I don't recall ever seeing one.  
 11 That's what I meant to say.  
 12 Q. Now, under what circumstances according  
 13 to DOC rules is an extraordinary occurrence  
 14 report supposed to be prepared and by whom, in  
 15 general terms? What is the purpose of an  
 16 extraordinary occurrence report.  
 17 ATTORNEY HALLORAN:  
 18 Are we done with the content  
 19 of the videotape, do you think?  
 20 ATTORNEY KRAKOFF:  
 21 I think so. I may have one  
 22 other question, which is about --- A 57  
 23 BY ATTORNEY KRAKOFF:  
 24 Q. Before I get to the question about the  
 25 extraordinary occurrence report, there was a

1 period of about eight minutes, is that correct,  
 2 when the video camera was turned off.  
 3 A. I believe Mr. Halloran said nine  
 4 minutes, from 1333 to 1402.  
 5 Q. Nine minutes.  
 6 A. Or 1353 to 1402.  
 7 ATTORNEY HALLORAN:  
 8 Let's use --- how about from  
 9 3:33 p.m. to 4:02 p.m.  
 10 BY ATTORNEY KRAKOFF:  
 11 Q. Right, so it was nine minutes. It was  
 12 turned off; is that correct?  
 13 A. Correct.  
 14 Q. And what was the purpose of having that  
 15 turned off during that time?  
 16 A. So that Ms. Lambert could shower and  
 17 get redressed.  
 18 ATTORNEY HALLORAN:  
 19 Just so we clarify for the  
 20 record that there was also a period  
 21 from about 4:02 p.m. to 4:27 p.m.,  
 22 where the camera was also off, during  
 23 the urine sample.  
 24 BY ATTORNEY KRAKOFF:  
 25 Q. Now, for what purpose is an

1 extraordinary occurrence report?  
 2 A. Any event or incident that would  
 3 disrupt the normal running of the institution.  
 4 Q. All right. So that's the basic  
 5 standard; is that correct?  
 6 A. Yes.  
 7 Q. What about an incident report? Does  
 8 this institution have --- some institutions have  
 9 a difference. They have one report which is  
 10 called extraordinary occurrence, and then  
 11 there's another category of reports called  
 12 incident reports. Does that exist in Cambridge  
 13 Springs?  
 14 A. No, sir.  
 15 Q. So for purposes of reporting, is it  
 16 either an extraordinary occurrence report or no  
 17 written report, or is there some other kind of  
 18 report that can be submitted to memorialize an  
 19 event or a transaction at the prison, involving  
 20 inmates and/or staff?  
 21 A. Repeat your question. Excluding inmate  
 22 grievances, that's my understanding?  
 23 Q. Oh, yeah.  
 24 A. Okay.  
 25 Q. I'm talking about for purposes of an

1 extraordinary occurrence report ---?  
 2 ATTORNEY HALLORAN:  
 3 Are we now done with the ---  
 4 ATTORNEY KRAKOFF:  
 5 Yeah, oh, yeah.  
 6 ATTORNEY HALLORAN:  
 7 Can I ask one --- I think  
 8 there's one question here about the  
 9 ---. When the videotape was taken at  
 10 the time during which Ms. Lambert  
 11 removing her prison clothing, was there  
 12 any male officer in the room?  
 13 A. No, there was not.  
 14 ATTORNEY KRAKOFF:  
 15 As far as I know, we're not  
 16 alleging that a male was in the room  
 17 when ---.  
 18 BY ATTORNEY KRAKOFF:  
 19 Q. And I ask this question generically,  
 20 I'm not focusing on this particular incident.  
 21 But I'm interesting in knowing, in general, when  
 22 is an extraordinary occurrence report supposed  
 23 to be filed? What kinds of, generically  
 24 speaking, what kinds of information, or  
 25 incidents, are supposed to be memorialized in an

1 officer or an administrator reporting on an  
 2 event. We know that there's such a thing as an  
 3 extraordinary occurrence report. And you just,  
 4 essentially, told me when an extraordinary  
 5 occurrence report is expected to be filed;  
 6 correct?  
 7 A. Correct.  
 8 Q. Is there any other kind of a --- there  
 9 are also investigative reports, I know that;  
 10 correct?  
 11 A. Correct.  
 12 Q. Is there any other species of report  
 13 that officers or administrators can use to  
 14 memorialize an event?  
 15 A. They can use a to/from. It's not a  
 16 required procedure.  
 17 Q. Is that more like a memorandum?  
 18 A. Yes.  
 19 Q. Now, did the events --- did the  
 20 incident of November 22nd, where Lisa was  
 21 photographed according to your testimony, in her  
 22 bra and panties, and according to --- there was,  
 23 you know, photographs --- I viewed the  
 24 videotape. And there were photographs taken in  
 25 her undergarments. Would that not be the kind

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1 of occurrence that would be expected to be in an  
2 extraordinary report?

3 A. No.

4 Q. And that's because ---?

5 A. Didn't disrupt the normal running of  
6 the institution.

7 Q. Now, what about when she refused to be  
8 photographed and was protesting and is saying,  
9 you people are crazy, that kind of thing, you  
10 know, wanting to take photographs of me. That  
11 also wouldn't --- that's not disruptive of the  
12 institution?

13 ATTORNEY HALLORAN:

14 Objection. Asked and

15 answered.

16 BY ATTORNEY KRAKOFF:

17 Q. Is that your answer?

18 A. Yes.

19 Q. So there's nothing in writing which  
20 reflects the event, the incident of the 22nd of  
21 November, in terms of a report; is that correct?

22 A. As I testified earlier, I do not  
23 recall.

24 ATTORNEY KRAKOFF:

25 Well, if there is something in

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1 I'm talking about still photographs.

2 A. Not that I can recall.

3 Q. I'd like to refer you to a document.

4 I'm not going to mark this as an exhibit, but  
5 it's an inmate's request to staff member. And  
6 it appears to be dated --- I can't tell what  
7 month that is for sure, perhaps you can on the  
8 bottom?

9 A. I believe it's February 14th, '95.

10 Q. And this is an inmate's request to  
11 staff member, and on the bottom of that appears  
12 to be your signature. Is that your signature?

13 A. That's correct.

14 Q. And this was produced in the course of  
15 discovery. Is that your handwriting in, I  
16 believe that's section eight?

17 A. That's correct.

18 Q. And you see on the top, there, it says  
19 cc, or does it say cc's?

20 A. It says file. You're talking there?

21 Q. I'm sorry. It's at the bottom of the  
22 page.

23 A. Oh, okay.

24 Q. Does that say cc?

25 A. Correct.

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1 writing, I would like to receive a copy  
2 of that.

3 ATTORNEY HALLORAN:

4 We have searched. We will

5 search again and make sure there is not  
6 a written report. At this point in  
7 time we do not believe that there is  
8 any written report relating to the  
9 videotaping and photographs.

10 BY ATTORNEY KRAKOFF:

11 Q. Now, did you prepare anything in  
12 writing, or did you have somebody, your  
13 secretary or anybody else, prepare something in  
14 writing which reflected how many photographs you  
15 placed in Lisa Lambert's file?

16 A. No, sir.

17 Q. So there was no written inventory, as  
18 such, that you made, saying in effect, it's  
19 November 22nd, and I've placed five photographs  
20 of Lisa Lambert in a file in my cabinet;  
21 correct?

22 A. No, sir.

23 Q. Is there anything you're aware of in  
24 writing which reflects that only five  
25 photographs were taken of Lisa Lambert that day?

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1 Q. To Superintendent?

2 A. Correct and Deputy Utz.

3 ATTORNEY HALLORAN:

4 To Superintendent Wolfe?

5 A. Correct.

6 BY ATTORNEY KRAKOFF:

7 Q. And can you describe how cc's to the  
8 Superintendent were routinely transmitted from  
9 your office to him?

10 A. My secretary would make copies, then  
11 they're placed in the interinstitutional mail  
12 and sent to the various offices.

13 Q. Was his office near yours at the time,  
14 or was it in a different building?

15 A. It would have been in a different  
16 building.

17 Q. And I take it from the cc that as far  
18 as you know, a copy was transmitted --- a copy  
19 of your response was transmitted to  
20 Superintendent Wolfe, assuming that nothing  
21 interfered, under ordinary circumstances that  
22 would have been transmitted? A 59

23 A. Correct.

24 Q. Now, on the top, that's the reference  
25 to file; is that correct?



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1 from a staff member, which communicated  
2 allegations of inappropriate sexual contact  
3 between a member of the staff or members of the  
4 staff and inmates?

5 ATTORNEY HALLORAN:

6 You mean ones different then  
7 these or including these?

8 BY ATTORNEY KRAKOFF:

9 Q. I think that you don't recall whether  
10 you received this. Isn't that your testimony?

11 ATTORNEY HALLORAN:

12 This document?

13 BY ATTORNEY KRAKOFF:

14 Q. This document; is that correct?

15 A. I don't recall it. I think you asked  
16 me earlier if it was --- that I acknowledged  
17 that at some point I had received it because of  
18 my signature.

19 ATTORNEY HALLORAN:

20 Yeah, you haven't asked her  
21 whether she's familiar with the  
22 incidents?

23 ATTORNEY KRAKOFF:

24 Right, I haven't gotten into  
25 that, but ---.

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1 ATTORNEY HALLORAN:

2 I guess I just want to make  
3 sure, unless you're asking this  
4 question.

5 BY ATTORNEY KRAKOFF:

6 Q. I guess what I'm wondering is, if you  
7 received a document like this, why you wouldn't  
8 have a recollection of it as you sit here today.  
9 Because it seems to be a fairly serious  
10 document. You agreed that these are serious  
11 allegations?

12 A. That's correct, sir.

13 Q. Do you have an explanation as to how  
14 you can, as of today, have no recollection of  
15 this document?

16 ATTORNEY HALLORAN:

17 You're asking her why she  
18 doesn't recall it?

19 A. Which doc ---.

20 BY ATTORNEY KRAKOFF:

21 Q. Well, I meant that there's an  
22 attachment to the extraordinary occurrence  
23 report and it explicitly says, statement  
24 attached; correct?

25 A. Correct.

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1 Q. I'm referring to this document as,  
2 these three as a single document, because it  
3 makes reference to the attachment and my  
4 assumption is that the three-page document was  
5 delivered to your office.

6 ATTORNEY HALLORAN:

7 I think her testimony is that  
8 in all likelihood it was delivered,  
9 because of the reference to the cc.

10 BY ATTORNEY KRAKOFF:

11 Q. Right. And what I'd like to know is if  
12 you have any explanation as to why you have no  
13 recollection as you sit here, independent of  
14 seeing the cc, of having received this document?

15 A. I don't have an explanation for that,  
16 sir.

17 Q. Now, had you received, either prior to  
18 May of 1995, let's limit it to that at this  
19 point. Prior to May of 1995, which is the date  
20 of this document, this extraordinary occurrence  
21 report, had you ever received communications  
22 from a staff member, of a similar nature, which  
23 informed the person to whom the report was  
24 addressed. That was to you, this report was to  
25 you, directly. Did you receive any other

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1 reports of alleged --- any other extraordinary  
2 occurrence reports of alleged sexual abuse on  
3 the part of staff members against Cambridge  
4 Spring inmates?

5 A. Let me correct something, also. All  
6 extraordinary occurrence reports go to me.

7 Q. Right.

8 A. All extraordinary occurrence reports.  
9 Not just ones alleging improprieties by staff.  
10 If we lose a tool, if we lose a key, if a water  
11 line breaks. Anything, any time an  
12 extraordinary occurrence report is written, it  
13 comes to my office.

14 Q. So there are a lot of extraordinary  
15 occurrence reports that come through your  
16 office?

17 A. That's correct, sir.

18 Q. Are there a lot of extraordinary  
19 occurrence reports that come to your office  
20 containing allegations of sexual abuse by  
21 members of the staff against inmates?

22 A. The only reason I hesitate in answerin  
23 in that is, are you --- on the sheer volume of  
24 the extraordinary occurrence reports I get, or  
25 ---?

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1 Q. Why don't you give me --- I'm not  
2 comparing the two. Why don't you give me  
3 independent, not making any comparison.  
4 A. By the sheer volume of the  
5 extraordinary occurrence reports that I get in  
6 the five and a half years I've been here,  
7 extraordinary occurrence reports that allege  
8 staff improprieties with inmates, there is not a  
9 disproportionate, a large disproportionate  
10 number.  
11 Q. How many reports of sexual  
12 improprieties, sexual abuse, have you received  
13 during the time that you've been Deputy  
14 Superintendent?  
15 A. I would not be able to give you a  
16 specific number. I could not tell you that.  
17 Q. You can't give me a ballpark number?  
18 A. No, sir.  
19 Q. A thousand?  
20 A. No.  
21 Q. More than 500?  
22 A. No.  
23 Q. More than 300?  
24 A. No.  
25 Q. More than 200?

1 ---.  
2 A. Less than a hundred.  
3 Q. Now, prior to receiving the  
4 extraordinary occurrence report, which was May  
5 6th, 1995, I take it you had received other  
6 reports of sexual improprieties occurring at  
7 Cambridge Springs, involving staff members and  
8 inmates; is that correct?  
9 A. That's correct.  
10 Q. Now, I'd like you to give me some of  
11 your earliest recollections, after you came here  
12 in 1992, of reports involving staff members,  
13 involving alleged sexual abuse.  
14 A. Do we have a list, the list of inmates?  
15 The list of staff that we had prior?  
16 Q. But I don't want you to limit it to  
17 that if there is.  
18 A. I understand. Carl Zimmerman, Martin  
19 Miller. And we are going by reports received of  
20 alleged sexual abuse.  
21 Q. Yeah, just allegations.  
22 A. Allegations. Jim Merry, Richard  
23 Hammers, Paul Walton, James Eicher. Prior to  
24 1995?  
25 Q. Yes. Now, what about Officer Raun.

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1 A. No.  
2 Q. More than 150?  
3 A. No. Less than a hundred?  
4 Q. Less than a hundred?  
5 A. Yes.  
6 Q. Approximately a hundred?  
7 A. I didn't say that. I said less than a  
8 hundred.  
9 Q. Approximately how many?  
10 A. I don't know, sir.  
11 Q. More than 75?  
12 A. I don't know.  
13 ATTORNEY HALLORAN:  
14 Objective. Argumentative.  
15 ATTORNEY KRAKOFF:  
16 I think I have a ---.  
17 ATTORNEY HALLORAN:  
18 She said she doesn't recall  
19 and she said now less than a hundred.  
20 BY ATTORNEY KRAKOFF:  
21 Q. Well, you recall enough to say less  
22 than a hundred?  
23 A. I'm guessing. I'm estimating. You  
24 asked me for a ballpark figure.  
25 Q. Give me an estimate of the number of

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1 Did that involve allegations of sexual abuse?  
2 A. I don't recall.  
3 Q. You're not sure?  
4 A. I'm not sure.  
5 Q. Do you recall what the allegations were  
6 about Carl Zimmerman?  
7 A. Kissing, fondling, I believe that was  
8 it, to the best of my knowledge.  
9 Q. By fondling, was that the breasts?  
10 A. I don't recall, sir.  
11 Q. How did you first become aware of these  
12 allegations?  
13 ATTORNEY HALLORAN:  
14 Zimmerman's?  
15 BY ATTORNEY KRAKOFF:  
16 Q. Zimmerman's.  
17 A. I don't recall. I'm not sure.  
18 Q. Had there been rumors circulating  
19 around the prison for a while about Zimmer---  
20 and an inmate or inmates?  
21 A. I don't recall.  
22 Q. You know what I mean? What I mean is,  
23 I guess the two poles of this would be, there  
24 were rumors for awhile, and then they led up to  
25 his termination or one day we received this

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1 Q. And Stewart?  
2 A. Harry Stewart, yes, he's still an  
3 employee.  
4 Q. And Young?  
5 A. No.  
6 Q. He's gone?  
7 A. He's no longer here.  
8 Q. Was he gone by May 6th, 1995, or did he  
9 ---?  
10 A. I don't believe so.  
11 Q. And Free?  
12 A. Free is still an employee.  
13 Q. Coffee?  
14 A. Still an employee.  
15 Q. Rogers?  
16 A. He was gone prior to '95.  
17 Q. Merry?  
18 A. Prior to '95 he was gone.  
19 Q. Monteo?  
20 A. He is still an employee.  
21 Q. And to complete it, I think you said it  
22 a couple times, Eicher was gone by May 6th of  
23 1995, right? Your recollection?  
24 A. My recollection, yes.  
25 Q. And as far as were concerned -- as far

1 transmitted outside of the institution to the  
2 central office, that that would be the  
3 Superintendent's call?  
4 A. That's correct.  
5 Q. And the same thing with orally  
6 apprising the central office of the  
7 extraordinary occurrence report and the  
8 allegations. Is that something that would be up  
9 to the Superintendent to do, not your function  
10 or responsibility?  
11 A. I may do it, but it would only be under  
12 his direction.  
13 Q. You'd first go to him --  
14 A. Correct.  
15 Q. -- and then if he said, call them on  
16 my behalf or call them, then you'd do it, but  
17 you wouldn't unilaterally do it?  
18 A. Correct.  
19 Q. If an inmate is found to have engaged  
20 in sexual misconduct with an officer, is that  
21 inmate subject to disciplinary punishment, do  
22 you know?  
23 A. It would depend on the circumstances.  
24 Simply engaging in sexual misconduct with an  
25 officer, I don't believe there would be

1 as your memory today, you can't recall having a  
2 discussion with Superintendent Wolfe about this  
3 extraordinary occurrence report; is that  
4 correct?  
5 A. No, sir, I don't.  
6 Q. Or with the security captain?  
7 A. Again, no, I don't recall.  
8 Q. Or with anybody that you can recall; is  
9 that correct?  
10 A. Correct.  
11 Q. Even if an officer were gone, would you  
12 agree that there could still be some value in  
13 investigating and determining whether the  
14 allegations were accurate, so that in the  
15 future, sexual abuse could be, as a prophylactic  
16 of future sexual abuse, would you agree, using a  
17 poor choice of words, as a preventive measure,  
18 doesn't find out about what occurred in the past  
19 have some positive benefit?  
20 A. Of course it does.  
21 Q. Now, I note that your cc didn't refer  
22 the extraordinary report to the central office.  
23 Would that have been something that you wouldn't  
24 do on your own, in the ordinary course -- and  
25 if an extraordinary occurrence report is to be

1 disciplinary action against the inmate because  
2 of the interpretation of the Pennsylvania Crimes  
3 Code.  
4 Q. And how -- what is that?  
5 A. That says that anybody adjudicated to  
6 our care, custody, control, we have authority  
7 over. And even though it may be consensual,  
8 Pennsylvania Crimes Code does not recognize that  
9 because of our realm of authority.  
10 Q. So that even if it appears to be  
11 consensual, your understanding is that the  
12 General Assembly has concluded that it can't  
13 really be consensual because of the relative  
14 power --  
15 A. That's correct.  
16 Q. -- between the two; is that correct?  
17 A. That's correct.  
18 Q. I may have this name, and I don't think  
19 I have it correct, but is there an officer by  
20 the name of Lillian, or was there an officer by  
21 the name of Lillian Lathenrock, (phonetic) or  
22 something to the effect? Does that sound  
23 familiar?  
24 A. The only thing familiar would be Lee  
25 Ann Laverick (phonetic).

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1 actual sexual abuse of Cambridge Springs'  
2 inmates by staff? What I mean is, so that you  
3 understand the question, is there like one  
4 comprehensive repository of documents that  
5 relate to allegations, alleged or proven, sexual  
6 abuse?

7 A. I'm not aware of that.

8 Q. Because we know that you had a Lambert  
9 file, Superintendent Wolfe had a Lambert file,  
10 it appears that the captain had a Lambert, the  
11 investigative captain had a Lambert file. And  
12 I'm just wondering, did you have like a Walton  
13 file, and did you have a file on Walton, or  
14 Zimmerman, or any of the other personnel who  
15 were either terminated or resigned?

16 A. I'm sorry, sir. Please repeat your  
17 question.

18 Q. As far as you know, I think giving an  
19 example might be easier. If I wanted to find  
20 out about the Allegheny County Jail, I could go  
21 to the Carnegie Library in Pittsburgh and I'd  
22 say, do you have a Allegheny County Jail file.  
23 And they'll have all these articles in a folder,  
24 labeled Allegheny County Jail. What I'm trying  
25 to gather is whether somebody has collected the

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1 data, the information, all of the various  
2 individual incidents of alleged sexual abuse, or  
3 established instances of sexual abuse by staff  
4 against employees, and has put it together in  
5 some sort of a comprehensive way?

6 A. No, sir. Not that I'm aware of.

7 Q. Are you aware of any efforts either by  
8 the central office of the Department of  
9 Corrections or by Cambridge Springs, to  
10 evaluate, try to determine what had --- how the  
11 proven cases of sexual abuse had been able to  
12 occur? What caused it to happen here? Are you  
13 aware of anybody in the central office or here  
14 undertaking to find out what the root cause or  
15 causes were?

16 A. You're talking about an encompassing  
17 evaluated report, based on the cases?

18 Q. Right. Was it training, was it  
19 recruiting, was it evaluating of recruits, was  
20 it discipline or the absence thereof. Was it  
21 any number of --- was it policies, the absence  
22 of adequate monitoring? Was it none of the  
23 above? Has anybody tried to, to your knowledge,  
24 at the Cambridge Springs, attempted to have that  
25 evaluated?

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1 A. I don't know. I do know the department  
2 has recognized a need for more comprehensive  
3 training, as far as cross-gender supervision,  
4 and professionalism, staff professionalism. And  
5 they have taken steps to incorporate that into  
6 mandatory training for the Department of  
7 Corrections employees.

8 Q. When did that development occur,  
9 approximately?

10 A. '96.

11 Q. Do you know whether --- oh, I'm sorry.

12 A. I need to mention too, that the  
13 institution, itself, and our Superintendent  
14 placed an emphasis on additional training for  
15 staff in light of the problems that the  
16 institution was appearing to have.

17 Q. And when did that occur, what year?

18 A. October of '93, additional training.  
19 We already had our basic training, where it's  
20 addressed as far as involvement with staff and  
21 inmates. We had a code of ethics training.  
22 Code of ethics --- our code of ethics training  
23 by our training lieutenant, and then, to the  
24 best of my memory, in October of '93, we started  
25 additional training, and we spoke in previous

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1 testimony about the video.

2 Q. Right. Was that October of '94 when  
3 Mr. --- I believe that the Superintendent  
4 testified it was October, '94, when Davis ---?

5 A. To view the video.

6 Q. In October of '93 there was a different  
7 video, and that was produced or obtained?

8 A. It was purchased. It was an outside  
9 purchase, like a company produces the video for  
10 a correctional staff. And we purchased it for  
11 training.

12 Q. Did that become part of mandatory  
13 training? Or was that available for any staff  
14 who wanted it?

15 A. We took it upon ourselves to show it to  
16 staff. And I'm answering that in response to if  
17 I'm an officer and I wanted to go see it. Yes,  
18 you can certainly do that, but we felt it was  
19 serious enough that we wanted to show it to all  
20 of our staff, as part of our required training.

21 Q. And do you recall, so that I can know  
22 what you're talking about, do you recall the  
23 title of the video, or where it was produced, or  
24 who spoke on it?

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ATTORNEY HALLORAN:

1 We have it. We'll get it for  
2 you.  
3 A. I don't remember, specifically.  
4 BY ATTORNEY KRAKOFF:  
5 Q. Do you recall having any discussions  
6 with the Superintendent about acquiring  
7 additional training prior to, either during or  
8 prior to October of 1993? I mean, is that  
9 something you discussed with him? I don't mean  
10 did you initiate it, I mean were you part of  
11 discussion with him about that?  
12 A. Prior to '93?  
13 Q. Well, no. You said it was in October  
14 of 1993, I think, that you obtained the video?  
15 A. Correct.  
16 Q. And then I take it that the video was  
17 shown at some point after October of '90 --- or  
18 either during 1993?  
19 A. Correct.  
20 Q. Did the video just show up here one  
21 day, as far you were concerned, or were you part  
22 of the planning to have additional training?  
23 A. That video in particular, I believe,  
24 was obtained by our training coordinator, Mr.  
25 Sleighton (phonetic). After that, subsequent

1 where we can say, we're satisfied with what  
2 we're doing.  
3 Q. Right.  
4 A. And certainly given, given the number  
5 of allegations that we were experiencing, we  
6 wanted to do everything that we could to educate  
7 staff.  
8 Q. And when was it that you went to the  
9 Superintendent and said, I think we should have  
10 these additional training films?  
11 A. When was it, sir?  
12 Q. Yes, place or time?  
13 A. I would have to go back and research  
14 it. I don't recall. Between '93 and '95.  
15 Q. Go ahead.  
16 A. Can I add something else?  
17 Q. Yes.  
18 A. I think it's also important for people  
19 to understand that this simply wasn't based on  
20 the allegations that inmates were making. They  
21 were also --- it was also a concern that we had  
22 from staff. Certainly sexual misconduct occurs  
23 between inmates and staff. But certainly it is  
24 historically correct that female inmates will  
25 use their sexuality to manipulate, and example,

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1 --- is that the right term ---  
2 Q. Uh-huh (yes).  
3 A. --- I had a conversation with the  
4 Superintendent, asking authorization to purchase  
5 several other films. One of them was  
6 Professionalism in Ethics, and Cross-Gender  
7 Supervision, which he gave us permission to do.  
8 And I initiated the purchase for that.  
9 Q. What did you tell the Superintendent  
10 when you initiated the purchase? Did you give  
11 him a rationale for it, did you say this is why  
12 I think we should it? Did you just say, I want  
13 to purchase this, or did you give him some  
14 explanation as to why you thought it would be a  
15 good idea?  
16 A. I think, I don't recall the exact  
17 conversation.  
18 Q. What about in terms of your mind?  
19 Obviously, you decided --- you viewed it as  
20 being important to purchase these additional  
21 training materials; is that correct?  
22 A. I think it's our responsibility, just  
23 like with any, like any corporation, only we're  
24 dealing with human beings, that we try to build  
25 a better machine. We're never in a position

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1 using your term. If you're inmate and I give  
2 you a misconduct and you want to get even with  
3 me, what better way than to report to staff that  
4 there's been some type of sexual impropriety.  
5 And we felt there was a need to educate staff in  
6 how to correct --- in how to address that,  
7 correctly.  
8 Q. How do you address that correctly?  
9 A. We educate staff, like the  
10 Superintendent testified before, a number of  
11 ways. If you feel that there may be --- if you  
12 feel ---  
13 Q. Pressure?  
14 ATTORNEY HALLORAN:  
15 What you're about to discuss,  
16 is that the content of the videos that  
17 you described?  
18 A. Yes.  
19 BY ATTORNEY KRAKOFF:  
20 Q. He's throwing you a lifeline, so I'll  
21 back off.  
22 A. They would --- the films just more  
23 succinctly put it.  
24 Q. How would you be able to determine, you  
25 said you would have to research to see when you

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1 made the suggestion to the Superintendent to  
2 obtain the additional videos, and you placed  
3 that between 1993 and 1995. Would you be able  
4 to determine that by the orders?

5 A. The outside purchase orders.

6 Q. That might be an easy way of doing it,  
7 if we can have a copy of that, that would be  
8 fine.

9 A. As a further clarification, the  
10 Superintendent has to receive justification ---  
11 or has to have justification for ---.

12 Q. For purchase?

13 A. Yes.

14 Q. Okay. So your justification would  
15 probably provide the rationale for --- would it?

16 A. Correct.

17 Q. Because I'd like the justification  
18 proposal, too. Now, this is more informational  
19 from my standpoint, so that I'm sure that we're  
20 getting the documents, that we're not  
21 overlooking any documents. The Superintendent  
22 identified as the basic policy that prohibits  
23 sexual abuse is found in the code of ethics?  
24 That's how I recall his testimony. Is that your  
25 understanding, that the code of ethics is the

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1 primary document that prohibits sexual abuse by  
2 staff against inmates?

3 A. That's correct.

4 Q. Is there any other document that you  
5 can think of which prohibits sexual abuse  
6 against inmates? Any other DOC level or  
7 institutional policy document?

8 A. No.

9 Q. No?

10 A. No, sir.

11 Q. Does the orientation of inmates, does  
12 that come within the jurisdiction of the other  
13 Superintendent?

14 A. No.

15 Q. Is it within --- it's counseling; is  
16 that right? It's a counseling function?

17 A. It happens within the unit management  
18 system, which falls under my jurisdiction.

19 Q. I've requested a copy at these  
20 depositions of the orientation. Is it your  
21 understanding that during orientation, inmates  
22 are apprised that if there's any attempt to  
23 abuse them sexually, that they can complain  
24 about it?

25 A. On this video?

1 Q. Well, either on the video or through a  
2 live person saying it to them during  
3 orientation? Do you now whether that has been  
4 the practice at Cambridge Springs for either a  
5 counselor, the unit manager, the video, or some  
6 other person to say to inmates during  
7 orientation, if you, you know, if anybody on the  
8 staff attempts or does sexually abuse you, you  
9 can complain about it and this is how you  
10 register a complaint?

11 A. I don't remember it being on the video.

12 I'd have to go back and look at it.

13 Q. Okay. What about in a live statement?

14 A. Not that I know of.

15 Q. And what about the inmate handbook.

16 It's not in there, is it? Specifically?

17 A. That's correct.

18 Q. It's my understanding that training  
19 sessions would be documented in some fashion by  
20 schedules or ---.

21 A. Training sessions for staff?

22 Q. For staff. If I wanted to determine  
23 when training was given and what the training  
24 consisted of, is there a document that I could  
25 refer to, going back over the last two or three

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1 years?

2 A. Yes.

3 Q. And what documents would reflect that,  
4 what kinds of documents. Would it be the  
5 training schedules, themselves, or ---.

6 A. There would be a sign off sheet for  
7 those people that attended what particular  
8 training. There would also be a training record  
9 for each employee by the training coordinator.

10 Q. I would imagine that the training  
11 coordinator would have some sort of a --- maybe  
12 a comprehensive list of what training has  
13 occurred in a particular --- over the course of  
14 a year? Local, I'm not talking about ---.

15 A. I believe so.

16 Q. Were you at all involved in the process  
17 of having Vaughn Davis come to Cambridge Springs  
18 beginning in September of 1994 to speak with the  
19 staff?

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20 A. Yes.

21 Q. What was the nature of your  
22 involvement?

23 A. To the best of my memory, I had a  
24 telephone conversation with Mr. Davis to set up  
25 the schedule of when the training would occur,